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Atty Dkt No.: IFT-5657-CIP
(1417Y P 606)

- 1 -

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION AND POWER OF ATTORNEY

As named inventors, **Jane Werling, James E. Kipp, Rajaram Sriram, and Mark J. Doty**, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled "**METHOD FOR PREPARING SUBMICRON SUSPENSIONS WITH POLYMORPH CONTROL**", was filed on October 19, 2001 as United States Application Number 10/035,821. The attorneys of record in said application for patent are hereby authorized and requested by the undersigned to insert in this Declaration the filing date and Serial Number thereof in the places provided therefor.

We hereby state that we have reviewed and understand the contents of the above-identified Specification, including the Claims, as amended by any Amendment referred to above.

We acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the Application on which priority is claimed:

Prior Foreign Application(s)

Priority
Claimed

NONE
Number

Country

Day/Month/Year Filed

Yes No

We hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

60/258,160
Application Number

December 22, 2000
Filing Date

We hereby claim the benefit under 35 U.S.C. § 120 of any United States Application(s), or § 365(c) of any PCT International Application designating the United States, listed below and, insofar as the subject matter of each of the Claims of this Application is not disclosed in the prior United States or PCT International Application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior Application and the national or PCT international filing date of this Application:

<u>09/874,637</u>	<u>June 5, 2001</u>	<u>Pending</u>
Application Number	Filing Date	Status
<u>09/953,979</u>	<u>September 17, 2001</u>	<u>Pending</u>
Application Number	Filing Date	Status

We hereby appoint the following attorney(s) and/or agent(s) to prosecute this Application and transact all business in the Patent and Trademark Office connected therewith.

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Jeffrey C. Nichols	-36,879	Robert W. Diehl	- 35,118	Brent A. Hawkins	- 44,146
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We hereby declare all statements made herein of our own knowledge are true and all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issued thereon.

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Date: *1/11/02*

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